

Verified Correct Copy of Original - 20 2021

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF Tillamook

CLERK OF CIRCUIT COURT
TILLAMOOK COUNTY
STATE COURTS
2021 JUL 16 PM 2:47
JULY 16 2021
CLERK OF CIRCUIT COURT

Patsy Jay

Petitioner

(See CIF))
(Date of Birth))

(name of person to be protected)

☐ by and through his/her Guardian Petitioner:

(name of Guardian Petitioner)

**RESTRAINING ORDER
TO PREVENT ABUSE**(Elderly Persons and Persons With Disabilities
Abuse Prevention Act)Case No. 21PD06969John McNight

Respondent

(See CIF))
(Date of Birth))

(person to be restrained)

NOTICE TO THE RESPONDENT:

- You must obey all of the provisions of this Restraining Order, even if the Petitioner contacts you or gives you permission to contact him/ her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- See the attached "NOTICE TO RESPONDENT/REQUEST FOR HEARING" for more information about your rights to a hearing.

The court, having reviewed the petition, makes the following findings:

JUDGE'S INITIALS

- A. The Protected Person is ☒ Petitioner ☐ Patsy Jay (name of person to be protected) and has been abused by the Respondent as defined by ORS 124.005;
- B. The abuse of the Protected Person by the Respondent occurred within the last 180 days as provided in ORS 124.010;
- C. The Protected Person is in immediate danger of further abuse.

A. MGT
B. MGT
C. MGT

IT IS HEREBY ORDERED that:

Petitioner's/Guardian Petitioner's Request

- ☒ 1. Respondent is restrained (prohibited) from abusing, intimidating, molesting, interfering with, or menacing the Protected Person, or attempting to abuse, intimidate, molest, interfere with or menace the Protected Person.
- ☒ 2. Respondent is restrained (prohibited) from entering or attempting to enter or be within 500 feet of the following locations: (Include names and address unless withheld for safety reasons.)
- ☒ The Protected Person's residence, 3810 12th St. Apt #8B
Tillamook, OR 97141
- ☐ The Protected Person's business or place of employment, _____
- ☐ The Protected Person's school, _____

1. MGT
2. MGT

☐ Other locations: _____

3. Respondent is restrained (prohibited) from:
- ☒ Contacting, or attempting to contact the Protected Person by telephone.
 - ☒ Contacting, or attempting to contact the Protected Person by mail.
 - ☒ Coming, or staying within ☒ 150 feet or ☐ feet of the Protected Person.

3. MGT

Nothing in this restraining order prevents Respondent from appearing at or participating in a court (or administrative) hearing or other related legal process as a party or witness in a case involving the Petitioner. At these times, Respondent must stay at least 10 feet away from the Petitioner and follow any additional protective terms ordered in that case. Further, nothing in this order prevents Respondent from serving or providing documents related to a court (or administrative) case to the Petitioner in a manner permitted by law. However, Respondent may not personally deliver legally-related documents to the Petitioner.

- ☐ 4. Respondent shall move from and not return to the residence located at: _____ 4. _____
 _____ except with a peace officer in order to remove essential personal effects of the Respondent, including, but not limited to: clothing, toiletries, medications, social security cards, birth certificates, identification, and tools of the trade.
- ☐ 5. A peace officer shall accompany the Protected Person, or his/her Guardian Petitioner 5. _____
 to the parties' residence in order to remove essential personal effects including, but not limited to: clothing, toiletries, medications, social security cards, birth certificates, identification, and tools of the trade.
- ☐ 6. The Protected Person has been a victim of abuse involving the wrongful taking or appropriation of money or property. To prevent or remedy the wrongful taking or appropriation the following order(s) is/are made: 6. _____
- ☐ a. The Respondent shall refrain from exercising control over the money or property of the elderly or disabled person. ☐ (Optional) The money or property that the Respondent is prohibited from exercising control over is as follows: 6a. _____

- ☐ b. The Respondent is required to return custody or control of the money or property of the elderly/disabled person to the elderly/disabled person. 6b. _____
☐ (Optional) The money or property to be returned is as follows: _____

- ☐ c. The Respondent is required to follow the instructions of the ☐ guardian or ☐ conservator of the elderly or disabled person. 6c. _____
- ☐ d. The Respondent is prohibited from transferring the money or property of the elderly or disabled person to any person other than the elderly or disabled person. 6d. _____
- ☐ e. Other (optional/See NOTE below): 6e. _____

NOTE:

"Other" relief under Paragraph 6 to prevent or remedy the wrongful taking or appropriation of money or property CANNOT allow any person other than the elderly or disabled person to assume responsibility for managing the elderly or disabled person's money or property, and relief cannot be granted that is more appropriately obtained in a protective proceeding filed under ORS chapter 125. [ORS 124.020(2)(a)]

- ☐ 7. Other relief: _____ 7. _____
- ☐ 8. No further service is necessary because Respondent appeared in person before the court. 8. _____

9. (FOR COURT USE ONLY) FIREARMS PROHIBITION AND DISPOSSESSION

(Not required unless firearms terms are being ordered.)

Judge's Initials

9A. ☒ The court orders Respondent is PROHIBITED from possessing firearms or ammunition

9B. ☐ Respondent is ordered to SURRENDER all firearms and ammunition in their possession according to the attached *Firearms Surrender Terms* because both of the following are found:

- ☐ Petitioner and Respondent have a QUALIFYING RELATIONSHIP (current or former spouses/Registered Domestic Partners, current/former cohabitants, current/former sexually intimate relationship, adults related by blood or marriage, unmarried parents of a minor child)
- ☐ Respondent presents a CREDIBLE THREAT to Petitioner's physical safety

MCY

FIREARMS NOTIFICATION

If Section 9 is initialed by the judge ordering that you are prohibited from possessing firearms or ammunition, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)).

If Section 9 is initialed ordering you to surrender firearms and ammunition, you will be prohibited from purchasing or possessing any firearms or ammunition under ORS 166.255 if:

- You request a hearing to contest this Order and the Order is not dismissed
- You request a hearing to contest this Order but then withdraw your request
- You request a hearing to contest this Order but do not attend the hearing

or

- 30 days pass after you were served with or became aware of this Order and you do not request a hearing to contest this Order

Talk to a lawyer if you have questions about this

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is \$5,000 unless otherwise specified here: Other Amount: \$ _____.

The above provisions of this Restraining Order to Prevent Abuse of Elderly Person or Person with Disabilities are in effect for a period of one (1) year from the date of the judge's signature (*unless renewed before it expires*) or until the Order is vacated, modified, or superseded, whichever occurs first.

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IT IS HEREBY ORDERED that:

The Petition for Restraining Order to Prevent Abuse of Elderly Person or Person with Disabilities is:

☒
☐

Granted

Denied because: _____

Judge Signature:

7-16-21

Mau Ganceer

Certificate of Readiness for Judicial Signature.

This proposed order is ready for judicial signature under UTCR 5.100 because this order is submitted ex parte as allowed by statute or rule.

Dated:

7-16-21

Submitted by (signature):

Patsy Jay

Print Name, ☒ Petitioner ☐ Attorney for Petitioner

Patsy Jay

☐ OSB No. (if applicable)

3816 12th Tillamook, OR 97141

(503) 815-3843

Contact Address Use a Safe Contact address

City, State, Zip

Contact Phone Number Use a Safe Contact number

RELEVANT DATA

Protected Person: Patsy Ann Jay ☒ Female ☐ Male
Name

Residence/Contact Address (Use a safe address):

3810 12th St Evergreen apt # 8B
Number, Street and Apt. Number (if applicable)
Tillamook OR 97141
City County State Zip

Telephone/Contact Telephone Number 503 815 3843
(Use safe contact number)

Birthdate (See CIF) Age 76 Race/Ethnicity white

Height 5'2 Weight 180 Eye Color blue Hair Color grey

***The Respondent will receive a copy of this information. If you wish to have your residential address or telephone number withheld from Respondent, use a contact address in the state where you reside or a contact telephone number so the Court and the Sheriff can reach you if necessary. Please check for mail at this address frequently.

RESPONDENT: John McKnight ☐ Female ☒ Male
Name

Residence Address 3810 12th St Evergreen apts # 11A

Telephone Number 206 892 8918

Birthdate (See CIF) Age 65-66? Race/Ethnicity white

Height 6'2 Weight 175 Eye Color grey Hair Color grey

PLEASE FILL OUT THIS INFORMATION
TO AID IN SERVICE OF THE RESTRAINING ORDER

Where is Other Party most likely to be located?

☒ Residence Hours all Address 3810 12th St Evergreen Apts
☐ Employment Hours _____ Address (See CIF) #11A
☐ Other Hours _____ Address _____

Description of Vehicle _____

Is there anything about the other party's character, past behavior, or the present situation that indicates that he or she may be a danger to others? to him/herself? EXPLAIN: Always carries gun, often pretends to shoot at people

Does the other party have any weapons, or access to weapons? EXPLAIN: yes

Has the other party ever been arrested for or convicted of a violent crime? EXPLAIN: believe to have criminal history